

ASSOCIATES - ATTORNEYS AT LAW 1010 NORTH FOWLER - PHONE (505) 393-0567 - HOBBS, NEW MEXICO 88240

GLEN L. HOUSTON, J.D.

Ms. Donna Searcy, Secretary Federal Communications Commission 1919 M Street, NW Washington, DC 20554

Second Petition to Dismiss Application Re: Perla Acosta Ojeda (BPH-910705-MC)

Dear Madam Secretary:

Enclosed please find a Second Petition to Dismiss Application of Perla Acosta Ojeda, in triplicate, filed on behalf of Rosemary Houston.

The timely filing of this petition is greatly appreciated, and should I be of assistance in this matter, please do not hesitate to contact me.

Yours truly,

Glen L. Houston

H/s

Enclosure

Perla Acosta Ojeda cc: Rosemary Houston

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PERLA ACOSTA OJEDA,

Applicant.

File No. BPH-910705-MC

SECOND PETITION TO DISMISS APPLICATION

COMES NOW Rosemary Houston and moves the Commission to dismiss the application of PERLA ACOSTA OJEDA, and states:

- 1. Petitioner renews her original Petition to Dismiss Application filed herein.
- 2. In Section III Financial Qualifications, page 6, Applicant Ojeda falsely represents that D. Kirk Edens, Executive Vice President, United New Mexico Bank, 505 397-3271, has committed to lend \$60,000.00 to construct and operate the new FM station. The United New Mexico Bank has neither loaned nor committed to lend any money for this purpose. See the affidavit of Glen L. Houston attached as Exhibit A.
- 3. Applicant Ojeda represents that \$100,000.00 will be necessary to construct and operate the requested facility for three months, and that \$40,000.00 of this will come from applicant's own funds, and the remainder from United New Mexico Bank; therefore Applicant Ojeda has made a material misrepresentation, and the applicant should be dismissed.

WHEREFORE, petitioner requests that the Commission dismiss the above styled and numbered application.

Rosemary Houston 1000 East Sanger Hobbs, NM 88240

CERTIFICATE

I, Rosemary Houston, certify under penalty of perjury that I have mailed a true and correct copy of the foregoing Second Petition to Dismiss Application to Perla Acosta Ojeda, 110 South Willow, Hobbs, NM 88240, with sufficient First Class postage, this 1910 day of August, 1991.

Rosemary Houston

THE FEDERAL COMMUNICATIONS COMMISSION WASHINGTON, DC 20554

PERLA ACOSTA OJEDA,

Applicant.

File No. BPH-910705-MC

STATE OF NEW MEXICO)

SS

COUNTY OF LEA)

AFFIDAVIT

I, GLEN L. HOUSTON, being first duly sworn and under oath, and over the age of 18 years, state:

- 1. I am a resident of Hobbs, Lea County, New Mexico, and am a practicing attorney, licensed in the state of New Mexico.
- 2. I have made personal inquiry of the United New Mexico Bank of Lea County, P.O. Box 1290, Hobbs, New Mexico, and of D. Kirk Edens, its Executive Vice President, and certify that they have neither made a loan nor a committment to lend \$60,000 to Applicant Ojeda to construct and operate the requested facility, and that the representation in Section III Financial Qualifications, page 6, of the application is false.

Dated: August 16, 1991.

Glen L. Houston

STATE OF NEW MEXICO)

SS

COUNTY

OF LEA)

SUBSCRIBED AND SWORN TO, under penalty of perjury, before me this 16th day of August, 1991, by Glen L. Houston.

R, E, Cata Notary Public

My commission expires:

1-9-92